

City of Taylorsville
Planning Commission Work Session
Minutes
Tuesday – October 11, 2005– 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Kristie Overson, Chair

Ted Jensen

Scott Bolton

Robert B. Daniels

Blaine Smith

Joan Rushton-Carlson

Angelo Calacino

Excused: Dama Barbour

Community Development Staff

Mark McGrath, Director

Michael Maloy, City Planner

Nick Norris, City Planner

Dan Udall, City Planner

Jean Gallegos, Admin Assistant/Recorder

PUBLIC : Dave Horne, Brandon Blair, Lois Brown, Lee Brown, Annette long, John Alexander, Kaye Alexander, James Riche, Joan Thalmann, Delite Campbell, Maria Smith, Pete McNeil, Steve Hawes

[19:01:45](#)

WELCOME: **Commissioner Overson** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:00 p.m.

CONSENT AGENDA [19:02:38](#)

1.	Minutes for September 13, 2005			Approved.
2.	33H05	Home Occupation – Insurance Agency	James Riche 3507 W. 4700 S.	Approved.
3.	34H05	Home Occupation – Massage Therapy	Brandon Blair 4802 S. Brown Villa Cove	Moved to Regular Agenda.
4.	39C05	Conditional Use Animal Hobby Permit	Joan Thalmann 3285 W. 4960 S.	Approved.
5.	40C05	Conditional Use – Over Sized Garage	Annette Long 1513 W. 4950 S.	Moved to Regular Agenda.
6.	2D05	Three Deep Lots	Tholen Custom Homes 4995 S. 1250 W.	Approved.

MOTION: [19:03:12](#) **Commissioner Daniels** - I move that Item #3 on the Consent Agenda be moved to the regular session. **SECOND:** **Commissioner Calacino**

Commissioner Overson - We have a motion by **Commissioner Daniels** and second by **Commissioner Calacino** to move Agenda Item #3 to the regular session for hearing.

VOTE: All Commissioner voted in favor. Motion passes unanimously.

MOTION: [19:03:51](#) **Commissioner Calacino** – I move that Item #5 be moved from the Consent Agenda and place it with the action items.

SECOND: **Commissioner Rushton-Carlson**

Commissioner Overson - We have a motion by **Commissioner Calacino** and second by **Commissioner Rushton-Carlton** to move Agenda Item #5 off the Consent Agenda to be heard separately.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

CONSENT AGENDA MOTION: [19:04:24](#) **Commissioner Calacino** - I move for approval of Items 1 (Minutes), 2, 4 and 6. Items 3 and 5 were moved to the regular session.

SECOND: **Commissioner Rushton-Carlson**

VOTE: All Commissioners voted in favor. Motion passes unanimously.

Agenda Item #1 – Minutes (Consent Agenda)

Agenda Item #2 – 33H05 (James Riche – Home Occupation) (Consent Agenda)

3.	34H05	<u>Brandon Blair, 4802 South Brown Villa Cove (985 West)</u> - Massage Therapy Home Occupation. (Dan Udall/City Planner)
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(Removed from the Consent Agenda and heard out of order).

3.1 [19:05:40](#) **Mr. Udall** oriented on the site plan, aerial map and images. Mr. Blair is requesting a massage therapy home occupation for 0-7 customers to the home per day. The applicant is proposing to operate the business from 9:00 a.m. to 9:00 p.m., Monday through Sunday with only one client to the home at a time. The applicant has indicated that the proposal is for one of his room mates to also be operating this home occupation, however, there would only be one client at a time. The applicant has a large driveway and the property is located at the end of a cul-de-sac. The rear property line backs onto 4800 South. The ordinance states that a home occupation can only be operational from 6:00 a.m. to 8:00 p.m., but the applicant requests to be able to go until 9:00 p.m. **Staff recommends approval with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. The use is subject to review upon complaint.
3. That the only signage allowed is a three square foot sign attached to the single-family home.
4. That adequate parking be provided on site to accommodate the homeowner's vehicles and customer vehicles coming to the home.
5. **[Changed by Motion]** That customers can come to the home only between the hours of ~~7:00 a.m. noon~~ to 8:00 **7:00 p.m.**, Monday **Tuesday** through Sunday **Saturday**.
6. **[Changed by Motion]** ~~That the applicant and the room mate live in the home and only the applicant and the room mate~~ **Brandon Blair while** residing in the home can be employed for the occupation. ~~If the room mate moves out of the home, he cannot assist in operating the home occupation.~~
7. Business must be conducted on an appointment only basis.

DISCUSSION: **Commissioner Daniels** asked if one of the people presently living in the home is the owner and **Mr. Udall** advised that was correct.

3.2 **APPLICANT ADDRESS: Brandon Blair.** [19:08:10](#) **Mr. Blair** advised that he is doing mostly out-call work in conjunction with local chiropractors. He is asking for the home business permit to make it more convenient for both himself and his clients. **Mr. Blair** responded to questions from the Commissioners by saying that he is a licensed therapist, that he is sharing rent with other tenants presently, there would only be one massage table, the clients would come by appointment only and be scheduled with at least a half hour in between each appointment, hours of operation would probably be 8:00 a.m. to 8:00 p.m. Tuesday through Saturday but that he would be agreeable to changes in either the hours or days of operation. He advised that he has regular clients on Monday and goes to their home and probably will do no massage therapy on Sundays.

3.3 **SPEAKING:**

1. **Leland Brown** (Lives right across the street). [19:14:25](#). Mr. Brown was concerned about what defines "massage" and was also concerned about the safety for the small children in the area.

2. **John Alexander** [19:16:50](#). **Mr. Alexander** said there is already a parking problem at this home, with 6 or 7 cars there all the time. He was concerned over the safety of the small children in the subdivision if this use is allowed.

3. **Keith McNeil** (Lives two houses west). [19:18:44](#) **Mr. McNeill** advised that he bought his home because it was on a cul-de-sac and assumed it would be relatively quiet. He was supportive of free-enterprise but that this is a rental property, with tenants moving in and out and driving very fast up and down the street at all hours of the day and night.

4. **Maria Smith** [19:19:58](#) **Mrs. Smith** lives in the neighborhood and has three children. She also has a massage therapy license and knows that a separate entrance and separate bathroom are required in order to operate this type of business from a home. She advised that she could not tell if the vehicles coming to the home were clients or just visitors. She wanted answers to the house requirements, for the cars to be regulated and the hours of operation adhered to, which they are not now doing.

3.4 **CLOSED FOR COMMENTS/MOTION:**

- **Commissioner Overson** [19:22:03](#) said that for any home occupation, anyone should be able to look at the home and not know that there is a home occupation there. It must keep in character with the residential neighborhood and that includes parking cars on the driveway. Approval by the Planning

Commission is just the first step and to get a business license, the home occupation must be approved by the Health Department, Unified Fire Authority and Building Department.

- **Commissioner Rushton-Carlson** [19:23:28](#) advised that any home occupation has the condition for approval that they are subject to review upon complaint. So the neighbors always have that option.
 - **Commissioner Calacino** [19:23:44](#) indicated that the intent of a home occupation is not to distract from the main purpose of the neighborhood. It is difficult to distinguish the source of traffic throughout a neighborhood but dead end/cul-de-sac streets are impacted more. He expressed concern that the applicant is not the home owner but is rather a tenant. The occupants do meet the definition of family per City ordinance but Commissioner Calacino's recommendation would be to approve this use, limiting it to just one therapist, Brandon Blair and limiting the use to five days per week.
- 3.5 **MOTION:** [19:26:17](#) **Commissioner Daniels** - I would like to move for approval of the Conditional Use Permit #34H05 with the seven conditions as stated, changing #5 to limit the hours from noon until 7:00 p.m. and with the days of operation being five days per week.
SECOND: **Commissioner Calacino** - I would ask if Commissioner Daniels would amend the motion to restrict the business to only one therapist. **Commissioner Daniels** - I would agree with that. **Commissioner Rushton-Carlson** - Are you going to specify the days of the week when you say five days a week? **Commissioner Daniels** - I am open to suggestions. I think the petitioner has already said that he would be willing to go with our suggestion for the benefit of the neighborhood. I will amend my motion to allow only one therapist and would strongly encourage the business be closed on Sunday and Monday
SECOND: **Commissioner Calacino** - I will second that amendment to the motion.
Commissioner Overson [19:27:42](#) We have a motion by Commissioner Daniels and second by Commissioner Calacino to approve File #34H05 with staff recommendations, amending condition #5, changing the hours to noon to 7:00 p.m., Tuesday through Saturday and that the application pertains only to Brandon Blair.
VOTE: All Commissioners voted in favor. Motion passes unanimously.

Agenda Item #4 – 39C05 (Joan Thalmann – Animal Hobby Permit) (Consent Agenda)

5. 40C05 Annette Long, 1513 West 4950 South – Oversized Garage. (Dan Udall/City Planner)

NOTE: This item was moved from the Consent Agenda at the request of the applicant.

5.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant has requested a 720 square foot accessory building on an 8,000 square foot lot. On lots less than 15,000 square feet, all accessory buildings larger than 576 square feet require a conditional use permit. The accessory building is proposed to be located on the southwest side of the lot. **Staff recommends approval with the following conditions:**

- That the use is reviewed upon by complaint.
- Receive approval from and remain compliant with all applicable reviewing agencies.
- The color of the vinyl siding on the proposed garage matches the vinyl on the single-family home.

5.2 **APPLICANT ADDRESS:** **Annette Long** advised that the garage was going to be used for storage because she has no basement. She needs a secure place for storage because the police department no longer responds when she calls them. [19:31:11](#)

5.3 **SPEAKING:** None.

5.4 **CLOSED FOR DISCUSSION OR A MOTION:**

- 5.5 **MOTION:** **Commissioner Bolton** - [19:33:08](#) I move for approval of Application 40C05 for an oversized garage located at 1513 West 4950 South with the following three staff recommendations: (1) It is reviewed upon complaint; (2) Everything is reviewed by the applicable agencies; (3) The color of the vinyl siding on the proposed garage matches the vinyl on the single family home
SECOND: **Commissioner Rushton-Carlson**

Commissioner Overson - The motion by Commissioner Bolton is to approve Application 40C05 with staff recommendations with a second by Commissioner Rushton-Carlson.
VOTE: All Commissioners voted in favor. Motion passes unanimously.

Agenda Item #6 – 2D05 (Tholen Custom Homes – Three Deep Lots) (Consent Agenda)

HOME OCCUPATION

7. 35H05 <u>Goarik Sekepyan, 5559 South 2200 West</u> – Family Day Care. (Michael Maloy/City Planner)

[19:36:44](#)

7.1 Mr. Maloy oriented on the site plan, aerial map and images. The applicant is requesting permission to provide child care services for up to 12 children with her sister being the second child care provider when there are more than eight children involved.

- **Staff Analysis:** The residence is located on an interior parcel in an R-1-8 single family residential zone. The residence is a split level structure and has an attached two car garage with a triple wide driveway. The rear yard is enclosed by a six foot high fence along the perimeter. The applicant was very forthright in disclosing that she has installed an apartment in her lower level with a private entrance for visiting friends and relatives. The applicant has stated her willingness to comply with Taylorsville City Code, including the removal of any non-permitted construction such as the kitchenette in the garage and a stairwell cover made from particle board and 2" x 4" studs.
- **Staff Recommendation: Based on the findings of facts contained in their report, staff recommends approval of this home occupation with the following conditions:**
 1. No more than 12 children may be cared for at the home.
 2. Applicant must maintain compliance with operational requirements for a Class D3 Home Occupation as per City Code 13.57.050 and 13.57.057.
 3. Prior to final approval, applicant must remove all illegal improvements made to the structure such as the stairwell restrictions and garage kitchenette.
 4. **[Changed by Motion]** Hours of operation will be limited to 7:00 a.m. to ~~5:00~~ **6:00** p.m., Monday through Friday.
 5. Applicant will schedule "drop-off" and "pick-up" of children to ensure adequate availability of driveway space for patrons of the day care business.
 6. **[Added by Motion]** **That the use is reviewed upon complaint.**

7.2 **APPLICANT ADDRESS:** Goarik Sekepyan. [19:38:56](#). Mrs. Sekepyan indicated that her home was large enough to accommodate up to 12 children and was aware that another care giver would be required if the number of children surpasses eight.

7.3 **SPEAKING:** None. Commissioner Overson advised staff did receive one written comment indicating they were not in favor of this application. [19:40:25](#)

7.4 **CLOSED PUBLIC HEARING AND OPENED THE SESSION FOR DISCUSSION OR A MOTION:** Commissioner Calacino commented that he found it difficult to see how 12 children can be adequately cared for in a home, however, there was in place the stipulation of review upon complaint and there are other agencies involved in reviewing the application, i.e., Health and Fire Departments. As for the remodeling changes to the home, he stressed that those be addressed immediately and that the Building Department work with the applicant to correct those changes in the home to make this home occupation acceptable and safe for the children. Commissioner Overson felt on Condition #4 that the hours of operation should be extended to 6:00 p.m. for consistency with other similar home occupations. Commissioner Daniels [19:41:43](#) added that if the hours are extended, he would ask that there be an appropriate amount of lighting in the drop off/pick up area to assure safety for the children. Mrs. Sekepyan [19:42:07](#) advised that there is sufficient lighting in that area and added that she would remove the stair barrier and kitchenette in the garage as part of this approval. Commissioner Jensen wanted to know if the back yard was fenced and Mr. Maloy assured him it was. [19:43:54](#)

- 7.5 **MOTION:** [19:44:33](#) Commissioner Daniels - I move for approval of File #35H05, Class D3 Home Occupation Permit, with the listed five conditions in staff report. Commissioner Overson - Would you like to amend Condition #4, hours of operation? Commissioner Daniels - Yes,

amending the hours to read 7:00 a.m. to 6:00 p.m.

SECOND: Commissioner Calacino 19:44:54

Commissioner Overson - 19:45:12 There is a motion by Commissioner Daniels to approve File 35H05 with staff recommendations, amending Condition #4 changing the hours of operation to be 7:00 a.m. to 6:00 p.m., with a second by Commissioner Calacino.

DISCUSSION: Commissioner Jensen 19:45:17 – I would like to add Condition #6 that it be reviewable upon complaint. Commissioner Daniels - I will accept that. Commissioner Calacino - I will accept that amendment.

Commissioner Overson - The motion is amended to add Condition #6 that this is subject to review upon complaint.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

CONDITIONAL USES

8. 15C05 **Hawes, Brubaker, Neider, LLC, 4541 South Atherton Drive** – Retail-Office Planned Unit Development. (Preliminary) (Dan Udall/City Planner)

19:46:15

8.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant originally proposed a 7,200 square foot one-story retail building on the corner and is now proposing a two-story mixed use retail office building on the property, which requires the applicant to submit a conditional use amendment to the Planning Commission. The two-stories combined total 15,650 square feet. The retail businesses on the bottom total 7,900 square feet and the office second story totals 7,750 square feet. The property is one acre and is zoned C-2/zc. The zoning condition does not allow automobile service stations on the site.

- **Staff Analysis:** There are 53 total proposed parking spaces on the lot. The requirement is for 65 parking stalls. The applicant is requesting to reduce the number of parking stalls on the site. Since the PUD ordinance allows site plan flexibility, less than the minimum amount of parking stalls can be provided on the site. Staff has no objection to the shortage of parking stalls for this building.
- **Staff recommends approval of the preliminary conditional use application with the following findings:**
 1. The proposed project with conditions meets the current general plan.
 2. The proposed project with conditions meets the zoning ordinances.
- **Staff recommends approval of the preliminary conditional use application with the following conditions:**
 1. Receive approval from and remain compliant with all applicable reviewing agencies.
 2. That site lighting is designed to be oriented from shining upon any adjacent residences.
 3. That lighting, walls, colors, building materials, etc., match or compliment the overall design of the project.
 4. That any signage must comply with City sign ordinances and be reviewed by the Planning Commission.
 5. **[Changed by Motion]** That a final site plan and landscaping plan be provided for final conditional use approval and be approved by Staff. That all deciduous trees on site should be 2" caliper and evergreen trees are a minimum of 6' high. **That trees be planted 25' on center as appropriate along Atherton Drive.**
 6. That the space between the north property line and the existing asphalt along 4500 South is landscaped in accordance with the approved landscaped plan. Provide a signed landscape maintenance agreement with UDOT.
 7. That a pedestrian connection be provided between the two buildings.
 8. That cut sheets or specifications are provided for the light fixtures and site furnishings.
 9. That the dumpster enclosure is sufficiently screened by landscaping and compatible with the architecture of the main building.
 10. That accessible handicapped ramps are integrated into the sidewalks.
 11. That any mechanical equipment at ground level is screened by a 6-foot high wall that matches the colors, building materials and architecture of the building.

12. That any mechanical equipment on the roof of the building is screened or positioned so that it is not visible from ground level.
13. That the number of parking stalls are accepted as shown on the site plan.

8.2 **APPLICANT ADDRESS:** Steve Hawes [19:51:47](#) advised he was excited about this project and found out during the initial process that what the surrounding businesses want most is food service within a walk able distance so their plans include that element. He intended to accommodate all types of transportation, including adding bicycle racks and their goal is to make this a signature piece for the company and for the City of Taylorsville. [19:55:42](#)

8.3 **SPEAKING:** None.

8.4 **CLOSED PUBLIC HEARING FOR DISCUSSION OR A MOTION:** [19:56:30](#) **Commissioner Calacino** said this looks like a nice project and improvement to the area and great addition to the community. He was in favor of reducing parking spaces and encouraging the use of other modes of transportation. Being that this site is on a major corridor of 4700 South and Atherton where bus service is currently existing and other office uses are in close proximity, he felt there was a potential to attract foot traffic. He asked for clarification from staff on the exact number of parking spaces required. Staff report says there are 53 parking spaces but he had counted 56 and the applicant's drawings say 57. Since there is obviously a disparity in count, he recommended the number be placed at no less than 50 for this area and no less than 200 for the entire site. [19:57:50](#)

- 8.5 **MOTION:** Commissioner Rushton-Carlson - I move for approval of Application 15C05 for a retail office planned unit development on Atherton Drive with staff's recommendations.
SECOND: Commissioner Calacino.
Commissioner Overson [19:58:41](#) - We have a motion by Commissioner Rushton-Carlson to approve Application 15C05, which was seconded by Commissioner Calacino.
DISCUSSION: Commissioner Jensen - I would like to make a slight change to staff recommendation #5 that the trees should be 2" caliper, 25' on center as appropriate along Atherton Drive. Commissioner Rushton-Carlson - Did you want that to come back to the Commission or have them work with staff on that issue? Commissioner Jensen - They can work with staff. Commissioner Rushton-Carlson - I accept that amendment. Commissioner Calacino - I will second that amendment.
Commissioner Overson - We have a motion that has been amended to change recommendation #5 that 2" caliper trees are located 25' on center. [20:00:00](#)
VOTE: All Commissioners voted in favor. Motion as amended passes unanimously.

<p>9. 21C05 <u>Cary Dunn, Nova Source Development, 5419 S. Redwood Road</u> – Commercial Planned Unit Development (PUD). (Preliminary) (Michael Maloy/City Planner)</p>
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[20:00:15](#)

9.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant plans to remodel the former Dos Serranos Restaurant into a new 8,560 square foot mixed-use commercial building. The conceptual plan proposes one restaurant tenant space, one professional office and two retail locations.

- **Staff Analysis:** Restaurant and retail land uses are permitted in the C-2 Zone and the size of the development (less than one acre) also qualifies as a permitted use. The reason the application has taken the form of a conditional use permit is because the applicant is requesting a reduction in City parking requirements, which may be allowed by the Planning Commission under the City's PUD ordinance.
- **Staff recommends approval with the following conditions:**

General Conditions:

1. Receive approval from all applicable reviewing agencies and departments of the City of Taylorsville (i.e., City Engineer, Salt Lake County Fire, etc.).
2. Under the direction of the Planning Commission, Staff shall administrate final review of the CUP application.

Site Plan Elements:

3. Landscape plan shall contain species type, quantities and plant sizes. Landscape shall include a mix of plant species to create variety and "seasonal colors" within plant beds. Additionally, the final landscape plan shall:
 - Contain construction details for irrigation system. Applicant is encouraged to design a system that controls and conserves the use of water.
 - Provide screening to all ground mounted utilities.
 - Add new landscape planter on north end of striped parking lot stalls on the east side of the main building.
 - Coordinate with Staff landscape plan for parking lot islands or peninsulas; planting plan shall include the use of deciduous trees.
 - Deciduous trees shall have a minimum caliper size of two inches; coniferous trees shall have a minimum height of six feet.
 - Landscaping plan for public right-of-way shall be compliant with Redwood Road Beautification and Mobility Enhancement Plan.
4. Pedestrian intersections with driveways and aisles shall be compatible with accessible standards (ANSI) for ramp construction.
5. Accessible parking signage shall include warning of a \$100.00 minimum fine for violation.
6. Width of pedestrian paths to be a minimum of six feet.
7. Submit for final approval a site lighting plan. Lighting plan shall include cut sheet specifications on all exterior lighting elements and accommodate pedestrian paths as well as vehicle parking. Cement light bases should be minimally exposed when located within landscaped areas.
8. Submit for final approval a site furnishings plan. Site furnishings plan shall include benches, waste receptacles, ash trays, and bicycle racks. Site furnishings shall be architecturally compatible with main building design. Contact staff for additional guidelines on design of site furnishings plan.

Building Architecture:

9. Color and material palette are approved as shown on material sample board. Variations from final approval shall require a CUP amendment from the City prior to installation.
10. To encourage a sense of vitality and visual interest, windows should be clear and not heavily tinted.
11. Building mounted lighting shall be decorative with low wattage bulbs, or downward cast (i.e., no outward shining wall packs). Use of lighting that highlights or accents building architecture is encouraged.
12. Trash dumpster shall be constructed of materials compatible with building architecture and use an opaque swinging gate (i.e., not chain-link fencing with slats).

DISCUSSION: Commissioner Calacino 20:04:45 With the Redwood Road reconstruction there is going to be a right deceleration lane north bound on Redwood Road to make a right hand turn. Therefore, the curb, gutter and integral sidewalk will be pushed towards the existing building thus reducing the overall amount of landscaping. Right where the existing parking lot is on the south side of the structure, a very small strip of landscaping is shown and he wanted to know the actual dimension of that in the final plan. His thought was that because there is going to be some improvements required on the overall site and with what has happened with regard to Redwood Road, the applicant may want to possibly widen that landscape buffer slightly. Another question he had was that on the restaurant end of the building, would it be possible to modify the handicap parking spaces so that there is not a parking stall located directly in front of the door. He also suggested adding a loading/stripping zone on the north side.

9.2 **APPLICANT ADDRESS:** Cary Dunn, Nova Source. Mr. Dunn advised that the applicants are aware of the narrow strip of land that Commissioner Calacino was speaking about and would not object to increasing the width of that strip. 20:06:45 Parking is being compressed in there but felt that their proposal would be an improvement to the existing use. They would not object to increasing that narrow landscaping strip if it did not negatively impact the parking space quotas. Mr. Dunn explained that the south end of the structure would have a addition and eliminate the second floor area of the present building. Commissioner Jensen 20:08:53 asked if they would still need the southwest entrance and Mr. Dunn replied that they were trying to achieve interface with Redwood Road and provide more than one entrance to the restaurant but the plans have not been finalized. 20:11:52 Commissioner Jensen also suggested installation of an internal directional sign for the site.

9.3 **DISCUSSION:** Commissioner Calacino 20:14:57 offered comments that hopefully in the final design of this, the following site items would be looked at: (1) Possibly widening the width of the landscaping between the south parking lot and 5400 South; (2) That since there may be a restaurant entrance on the corner, perhaps the parking

could be rearranged so that it doesn't have the customers having to walk right out from the door into the parking lot, and (3) That since Taylorsville is making major improvements to the intersection, perhaps having some pedestrian connectivity from the building site to the corner may be appropriate, such as providing an extension of a sidewalk so that people walking across the street have easier access into the structure.

9.4 **SPEAKING:** None.

9.5 **PUBLIC HEARING PORTION WAS CLOSED AND MEETING OPENED FOR DISCUSSION OR A MOTION:** **Commissioner Calacino** [20:16:40](#) added that this is a conditional use and he believed the proposed uses of restaurant, professional office and retail are appropriate in the zoning. He believed the project to be a benefit to the community. In regard to the parking shortage problem, he indicated that inasmuch as it is a PUD, the Planning Commission has the authority and should act upon that authority in this case and allow the parking to be reduced, for a couple of reasons, (1) That there is a shared agreement with the neighboring users and there is an abundance of parking available, (2) 5400 South and Redwood Road are major transportation corridors and both have mass transit lines running up and down them, including future bus rapid transit, which could lend to other modes of transportation, allowing people to patronize the future businesses here, therefore, the reduction in parking is warranted.

9.6 **MOTION:** **Commissioner Calacino** [20:17:29](#) I will make a formal motion that we grant preliminary approval for Application 21C05 for the property at 5419 South Redwood Road for a multiple use commercial building; restaurant, professional office and retail space, reduction in parking as noted in staff report and outlined in other conditions in the staff report based on the findings of fact and oral testimony presented here this evening. I would make the suggestion to the applicant that they make a few minor changes to the overall site to address a couple of items previously discussed.

SECOND: **Commissioner Daniels** [20:18:18](#)

Commissioner Overson - We have a motion by **Commissioner Calacino** to approve File 21C05, conditional use permit, on 5419 South Redwood Road, based on the findings of fact in the staff report and recommendations given by staff and based on oral testimony from the applicant, with a second by **Commissioner Daniels**.

VOTE: All Commissioners voted in favor. Motion passes unanimously.

OTHER BUSINESS:

- **Commissioner Overson** had previously reviewed with the Planning Commissioners the events of the City Council meeting held on October 5, 2005 during the pre-meeting.
- Planning Commissioners reviewed a letter from Mayor Auger which indicated that she had been requested by Applicants Denis R. Morrill and Eric Robinson to review the Planning Commission decision reference their project, Subdivision 11S05.
- 1. **Commissioner Calacino** [20:19:57](#) said that with regard to whether or not the Mayor will hear an exception request for the subdivision applicant to waive the installation of curb, gutter and sidewalk and dedication of right-of-way for the development for that property, he would ask staff, if possible, to remind the Mayor that when someone develops property, they are getting the benefit of the development and they should make the improvements to the public right-of-ways to accommodate that use from which they will receive the benefits. As stated in the ordinance, in cases where unusual topographic or aesthetic or other exceptional conditions exist, the welfare and best interest of the general public will be usefully served if those improvements are waived or varied. His opinion is that the public health, safety and welfare will not be best served if this applicant is allowed to not at least build a half width of street and take care of the vehicular traffic situation and drainage in the area. **Commissioner Calacino** advised that he just wanted his comments as part of the record this evening.
- 2. **Commissioner Jensen** [20:21:00](#) added his comments on the same issue by saying he would like it noted that street is too long to qualify as a dead end and that it already appears on the City map and possibly even the General Plan. He felt those were good reasons to have them build a street.
- 3. **Commissioner Overson** [20:21:32](#) thanked the Commissioners for their input and suggested they also contact the Mayor and let her know their feelings as well.

ADJOURNMENT: **Commissioner Rushton-Carlson** moved for adjournment, with a second by **Commissioner Daniels**. [20:22:22](#)

Respectfully submitted by:

Jean Gallegos, Administrative Assistant to the
Planning Commission

Approved in meeting held on November 8, 2005.